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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,033	02/03/2006	Noriyuki Sakoh	278840US6PCT	2415
22850 7590 12/31/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER BORROMEO, JUANITO C				
ART UNIT 2184		PAPER NUMBER		
NOTIFICATION DATE 12/31/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/567,033

Applicant(s)

SAKOH ET AL.

Examiner

JUANITO C. BORROMEO

Art Unit

2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Araki et al. (US Pat. No. 6014696), hereinafter Araki in view of Te et al. (6785864), hereinafter referred to as Te.

Referring to claim 1, Araki discloses page data receiving method implemented on a terminal unit (Fig. 2, Client 1) comprising:

transmitting, from the terminal unit, a first request signal (Fig. 2, S1) to a page data providing apparatus (Request Page-Descriptive File (0)) for requesting first page data;

receiving, at the terminal unit, the first page data (Fig. 2, S8) from the page data providing apparatus (Request Page-Descriptive File (1) and Relevant Data File) without receiving notification page data when the page data providing apparatus determines that notification page data is not stored in the predetermined memory location (stored in the memory of the server 3, Fig. 2) on the page data providing apparatus.

Araki does not explicitly disclose the method of receiving, at the terminal unit, notification page data from the page data providing apparatus prior to receiving the first page data when the page data providing apparatus determines that the notification page data is stored on a predetermined memory location on the page data providing apparatus, the notification page data providing predetermined notification information related to the first page data.

Te discloses the method of receiving, at the terminal unit, notification page data (Fig. 1, Notify Reports Program 150) from the page data providing apparatus prior to receiving the first page data when the page data providing apparatus determines that the notification page data is stored on a predetermined memory location (stored in the server of Te) on the page data providing apparatus, the notification page data providing predetermined notification information (notifies user of updates) related to the first page data.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Araki and Te before him or her, to modify the server of

Araki to include the notifying method of Te because Te's notification method gives the user the ability to choose the most up-to-date documents.

The suggestion/motivation for doing so would have been to benefit users from notification system that provides the ability to easily select a hypertext link from a web page and then be electronically notified whenever the hyperlinked document that is associated with the hypertext link changes, col. 1, lines 55 - 59.

Therefore, it would have been obvious to combine Te with Araki to obtain the invention as specified in the instant claim.

As of claim 2, the modified system of Araki discloses the page data receiving method, further comprising:

transmitting, from the terminal unit, a second request signal (Fig. 2, request for descriptive file (2)) for requesting second page data to a second page data providing apparatus;

if when said second request signal is rejected (Fig. 7, Page-descriptive file (0)) by the second page data providing apparatus that provides said second page data, requesting the page data providing apparatus to transmit authorization information (Fig. 9, Register reference restriction management information 503) for making said second page data providing apparatus accept said second request signal,

wherein said page data providing apparatus makes a determination in accordance with the second request signal on whether notification page data is stored

in the predetermined memory location (Te discloses method of notifying changes marked hyperlinked documents, Fig. 1);

receiving said authorization information (Fig. 7, Page-descriptive file (1)) from said page data providing apparatus and address information about said notification page data, according to said request;

wherein said notification page data is received by accessing said page data providing apparatus based on said received address information about said notification page data,

a notification page (Fig. 7, Page-descriptive file (4)) indicating said notification information is displayed in a display section of the terminal unit, based on said received notification page data, and

said second page data is received from said second page data providing apparatus by transmitting again said second request signal together with said authorization information, according to an operation to said notification page displayed in said display section (Col. 2, lines 17-28).

As of claim 3, Araki discloses the page data receiving method,

wherein when in accessing said first page data providing apparatus based on said address information (WWW server, col. 2 line 10) about the notification page data, address information corresponding to said second page data is transmitted to the page data providing apparatus, so that said notification page data (Fig. 7, Page-descriptive

file (4)) including address information corresponding to said second page data is received from said page data providing apparatus.

As to claim 4, Araki discloses the page data receiving method according to claim 2, wherein;

when in accessing said first page data providing apparatus based on said address information about the notification page data (col. 7, lines 31-45), service identification information to identify said second page data is transmitted to the above first page data providing apparatus, so that said notification page data including additional information corresponding to said service identification information is received from said first page data providing apparatus (col. 3, lines 10-29).

As to claim 5, Araki discloses the page data receiving method, wherein in said notification page data, the status of service corresponding to said second page data is indicated (col. 5, lines 37-45).

As to claim 6, Araki discloses the page data receiving method, wherein in said first page data, link information to said second page data is included (col. 5, lines 37-45).

As to claim 7, the modified system of Araki discloses the page data receiving method, further comprising:

Transmitting, from the terminal unit, a second request signal (Fig. 2, request for descriptive file (2)) for requesting second web page data to a second page data providing apparatus;

if when said second request signal is rejected (Fig. 7, Page-descriptive file (0)) by the second page data providing apparatus that provides said second page data, requesting the page data providing apparatus to transmit authorization information (Fig. 9, Register reference restriction management information 503) for making said second page data providing apparatus accept said second request signal,

if said request is rejected by said page data providing apparatus, transmitting (Fig. 7, Page-descriptive file (1)) user identification information and a password, from said terminal unit, to the page data providing apparatus, wherein said page data providing apparatus makes a determination in accordance with the second request signal on whether notification page data is stored in the predetermined memory location (Te discloses method of notifying changes marked hyperlinked documents, Fig. 1); and

receiving an authentication session ID transmitted (Fig. 2, Response agreement to reference restriction) from the page data providing apparatus and address information about said notification page data, which are obtained after said page data providing apparatus authenticates said user identification information and password (Password, col. 6, lines 26-38);

wherein said notification page data is received by accessing said first page data providing apparatus by adding said authentication session ID, based on said received address information about said notification page data,

a notification page indicating said notification information is displayed in the display section, based on said received notification page data,

a signal (Fig. 1, element 1) for requesting said information necessary for acceptance is transmitted again to said page data providing apparatus,

said information necessary for acceptance transmitted by said page data providing apparatus according to said request is received, and

said second page data is received from said second page data providing apparatus by after said second request signal is transmitted again together with said information necessary for acceptance (col. 6, lines 26-35).

As to claim 8, Araki discloses the page data receiving method, wherein when in accessing said page data providing apparatus based on the address information about said notification page data (col. 6, lines 55-60), address information corresponding to said second page data is transmitted to the page data providing apparatus, so that said notification page data including the address information corresponding to said second page data is received from said page data providing apparatus (col. 8, lines 37-42).

As to claim 9, Araki discloses the page data receiving method, wherein when in accessing said page data providing apparatus based on the address information about said notification page data (Fig. 1, Page-descriptive file (0)), service identification information to identify said second page data is transmitted to the page data providing apparatus, so that said notification page data including additional information

corresponding to said service identification information is received from said page data providing apparatus (col. 7, lines 20-28).

As to claim 10, Araki discloses the page data receiving method according to claim 7, wherein; in said notification page data, also the status of service corresponding to said second page data is indicated (Fig. 7, Page-descriptive file (2)).

As to claim 11, Araki discloses the page data receiving, wherein in said first page data, also link information to said second page data is included (Fig. 7, Page-descriptive file (1)).

Independent claims 12, 23, 30 and 41 recite the corresponding limitations of claim 1. Therefore, they are rejected accordingly.

Claims 13 – 22, 24 – 29 and 31 - 40 recite the corresponding limitations of claims 2 – 11. Therefore, they are rejected accordingly.

As to claim 42, Te discloses the page data receiving method according to Claim 1, wherein the notification page data provides predetermined notification information related to maintenance information (maintainer of the information file determines that a sufficient change has been made to the file, col. 1, lines 43 – 44; implies that the

maintainer determines the changes, related to maintenance information of the page data,) of the page data providing apparatus.

As to claim 43, Te discloses the page data receiving method according to Claim 1, wherein the notification page data is received at the terminal unit without being requested from a user of the terminal unit (maintainer of the information file determines that a sufficient change has been made to the file, col. 1, lines 43 – 44; implies that maintainer makes the decision without the need of request from a user)

Response to Arguments

Applicant's arguments filed 10/29/2009 have been fully considered but they are not persuasive.

Applicant's Argument:

Te never explicitly describes that the server sends the notification report (as notification page data) prior to sending first page data, which the user originally requested, when it determines that the notification report itself is stored in a predetermined memory location.

In other words, Te checks for changes to a website and then provides a notification report to a user. Thus, what is stored and checked are changes to the website which is separate from the notification report itself. Therefore, Te does not explicitly check for the existence of the notification report at a predetermined memory location and then provide that same notification report to the user ahead of another document (or webpage) that the user requested (Remarks; p 23, lines 3 – 12.)

Examiner's Response:

Examiner respectfully disagrees. When a user subscribes for notification, a notification page is sent prior to sending first page data. The notification page is inherently stored in a predetermined memory location.

For example, when a user had previously submitted a request for notification (see Fig. 14) by checking the check boxes, a notification page data (Fig. 15) will be sent to the subscriber prior to sending first page data.

Note that notification page data and predetermined memory location are very broad terms. "Notification page data" can be reasonably interpreted to mean any page data other than the requested data and "predetermined memory location" can be any memory location pre-allocated for storing a specific data.

In light of this broad interpretation, it would also be reasonable to assume that website inherently checks for "notification page data", i.e. updates of a webpage, server status, or the like, prior to receiving the first requested page data in order for the user to get the most up-to-date information. For example, if a user requests a website and the server is down, a notification of the status of the server is inherently provided prior to providing the requested first page data, notifications i.e. "server is down", "server is busy", "website under construction", etc.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Teeple (Pub. No: US 2002/0116534) discloses a personalized mobile device capable of enhanced viewing.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUANITO C. BORROMEO whose telephone number is (571) 270-1720. The examiner can normally be reached on Mon-Fri, 8:30 AM - 5:00 PM, ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Tsai can be reached on 571 272 4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Henry W.H. Tsai/

Supervisory Patent Examiner, Art Unit 2184